



BOARD OF SUPERVISORS OF FAUQUIER COUNTY

**WARREN GREEN BUILDING
10 HOTEL STREET
WARRENTON, VIRGINIA 20186**

MINUTES

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
MAY 13, 2010 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO REVIEW AND DISCUSS A PLAN FOR PUBLIC FACILITIES

Kimberley Fogle, Assistant Director for the Department of Community Development, reviewed with the Board of Supervisors *A Plan for Public Facilities*, which is designed as a component of the Capital Improvements Program and is intended to provide a comprehensive listing of projects needed to maintain adequate services and to accommodate growth and development in the County in accordance with the County's Comprehensive Plan during the course of the next ten to twenty years.

A WORK SESSION TO REVIEW THE PROPOSED 2011-2016 CAPITAL IMPROVEMENT PROGRAM

Ari J. Sky, Director of the Office of Management and Budget, reviewed the proposed Fiscal Year 2011-2016 Capital Improvement Program (CIP), which was presented to the Planning Commission on February 25, 2010. The proposed CIP is the product of six months staff work and review. The Planning Commission conducted two work sessions on the proposal, held its public hearing on March 25th, and solicited recommendations from its Facilities Planning Subcommittee. The Commission voted 5-0-0 on April 29, 2010, to recommend that the Board of Supervisors approve the plan with the following amendments:

- Public Safety Building redesignated "County Office Building;"

- County Office Building reduced by \$2 million to \$20,200,000;
- New Baltimore Library advanced to FY 2013/14;
- Central Sports Complex deferred to FY 2014/15 and split evenly between the two years; and
- \$2 million for Southern Sports Complex land acquisition added to FY 2014. The project was held at \$20 million overall.

The Board has scheduled a public hearing for May 13th to receive public comments on the proposal, which includes a summary of the proposed CIP and the Planning Commission's recommended amendments, as well as debt service projections over the course of the six-year planning period.

A WORK SESSION TO RECAP PREVIOUS DISCUSSIONS ON THE POSSIBILITY OF JOINING THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC)

Paul S. McCulla, County Administrator, reviewed with the Board of Supervisors the possibility of joining the Potomac and Rappahannock Transportation Commission. Over the past six years, the County has been involved in on/off negotiations with the Potomac and Rappahannock Transportation Commission (PRTC). Some type of membership in the PRTC is a pre-condition to membership in the Virginia Railway Express (VRE) which provides commuter rail service to the counties, cities and towns comprising the Washington Metropolitan area in Virginia. Chief among the benefits of joining the PRTC is the 2% gasoline tax which is imposed by Virginia law. Once VRE expenses are paid, localities are then able, with the consent of the PRTC, to use the remainder of the locality's gas tax proceeds, if any, for other transportation related projects. The last round of negotiations were broken off after the County was informed by the PRTC that (a) as a condition to joining, it would be required to upgrade the rail service in Fauquier County from one track to two tracks, along with other improvements associated with the Broad Run station, said improvements at that time being estimated at approximately \$77 million; (b) that PRTC intended to expand VRE service first to the Gainesville/Haymarket area before any expansion into Fauquier County; and (c) concerns were raised whether any monies would remain from the gas tax for other projects after VRE expenses were deducted. The County also briefly explored the option of establishing another Transportation District with gas tax authority which would require General Assembly approval but which, according to our legislative delegation, was deemed "dead."

A CLOSED SESSION PURSUANT TO SECTION 2.1-3711(A)(7) OF THE CODE OF VIRGINIA TO DISCUSS LEGAL MATTERS RELATED TO POTENTIAL PROPERTY ACQUISITION, LEGAL ISSUES REQUIRING THE ADVICE OF COUNSEL WITH RESPECT TO THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY, THE VERIZON TAX ASSESSMENT CASE AND THE T-MOBILE FEDERAL COURT TOWER LITIGATION

Mr. Nyhous moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving potential property acquisition; legal issues with respect to the Vint Hill Economic

Development Authority; the Verizon tax assessment case; and the T-Mobile Federal Court tower litigation. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Nyhous moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13th day of May 2010, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

FAUQUIER EXTENSION LEADERSHIP DINNER MEETING

The Board of Supervisors attended the annual Fauquier Extension Leadership Dinner Meeting.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Graham introduced Cynthia Cordova who offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Graham led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

- Amend Consent Agenda item #6(c), a Resolution to Amend the FY 2010 Adopted Budget by \$173,571.
- Add new Consent Agenda item #6(r), a Resolution to Advise the Fauquier County Zoning Administrator on the Interpretation of the Aspen Dale Farm Conservation Easement.
- Add new Consent Agenda item #6(s), a Resolution Authorizing the County Administrator or His Designee to Purchase Land.
- Amend Public Hearing item #1, A Resolution to Adopt the FY 2011-2016 Capital Improvement Program.

CITIZENS' TIME

- No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Delegate Scott Lingamfelter presented the General Assembly Joint Senate and House of Delegates Resolutions to Citizens of the Year for 2009: Cynthia Cordova - Cedar Run District; Boys & Girls Club of Fauquier County - Center District; Southern Fauquier Historical Society - Lee District; Josephine F. DeGive & David D. DeGive - Marshall District; and Barbara Severin - Scott District.
- Mr. Trumbo presented a Proclamation Honoring Robert L. Sinclair on the Occasion of His Retirement from County Government Service.
- Mr. Trumbo presented a Proclamation Creating a Historian Laureate Program for Fauquier County as an Honorary, Unpaid, Position and Appointing Robert Sinclair to the Position.
- Mr. Nyhous presented to George Turner and Karen Henderson of the Warrenton-Fauquier Chamber of Commerce a Proclamation Honoring May 16-22, 2010 as Business Appreciation Week in Fauquier County.
- Mr. Stribling presented to Jennifer Scarborough a Proclamation Honoring Relay for Life.

- Mr. Trumbo presented to Doris Edmonds and her family a Proclamation Honoring the Life of Wayne Phillip Edmonds.
- Mr. Nyhous announced a Proclamation Recognizing May 2010 as Internal Audit Awareness Month in Fauquier County would be mailed to the local representative.
- Mr. Schwartz presented to representatives of the Department of Social Services a Proclamation Recognizing May 2010 As Adult Abuse Prevention Month in Fauquier County.
- Mr. Trumbo presented to Butter Strother, Chair of the Goose Creek Association, a Proclamation Recognizing the 40th Anniversary of the Virginia Scenic Rivers Program.
- Mr. Stribling presented to Thomas Billington and Tom Marable a Proclamation to Designate the Week of May 16 - 22, 2010 as Emergency Medical Services Week.
- Mr. Graham presented to John Wayland a Proclamation Recognizing and Commending the Exemplary Work of John Wayland and the Fauquier Housing Corporation.

CONSENT AGENDA

Mr. Graham moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

Approval of the Minutes of the March 9, 2010, March 16, 2010, March 23, 2010, March 25, 2010, and March 30, 2010 Adjourned Meetings, and April 8, 2010 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Authorizing the Business Advisory Committee to Appoint a Subcommittee to Promote the County Culturally and Economically During the Sesquicentennial Celebration

RESOLUTION

A RESOLUTION AUTHORIZING THE BUSINESS ADVISORY COMMITTEE TO ESTABLISH A SUBCOMMITTEE DEDICATED TO PROMOTING THE COUNTY DURING THE CELEBRATION OF THE SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR

WHEREAS, the Fauquier County Board of Supervisors established the Fauquier County Business Advisory Committee (BAC) to advise the Board on issues pertaining to economic development and retention; and

WHEREAS, the Sesquicentennial of the Civil War is upon us; and

WHEREAS, Fauquier County has a rich Civil War history including twelve battle engagements; and

WHEREAS, Fauquier County is located near numerous Civil War battlefields including Manassas, Gettysburg, Fredericksburg, Chancellorsville, Harper's Ferry, the Wilderness, and Antietam; and

WHEREAS, by unanimous vote on April 22, 2010, the BAC requested the Board of Supervisors to authorize the BAC to establish a subcommittee to promote the historic, cultural, and business attributes of Fauquier County during the Sesquicentennial; and

WHEREAS, this undertaking is intended to enhance the knowledge and appreciation of Fauquier County's historical and cultural attributes for local residents and visitors; and

WHEREAS, this undertaking is also intended to contribute to the prosperity of local businesses and Fauquier County as a whole; now, therefore, be it

RESOLVED this 13th day of May 2010, That the Fauquier County Board of Supervisors does hereby authorize the Business Advisory Committee to establish a committee to pursue promotion of the County during the celebration of the Sesquicentennial of the American Civil War.

A Resolution to Amend the FY 2010 Adopted Budget by \$323,571

RESOLUTION

A RESOLUTION TO AMEND THE FY 2010 ADOPTED BUDGET BY \$323,571

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009 the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on April 1, 2010, the Finance Committee recommended for FY 2010, appropriations of \$173,571; and

WHEREAS, at its meeting on May 6, 2010, the Finance Committee recommended for FY 2010, an appropriation of \$150,000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the FY 2010 Budget be, and is hereby, amended in the amount of \$323,571 as indicated on the attached summary.

A Resolution to Revise the FY 2011 Appropriations Resolution

RESOLUTION

A RESOLUTION TO AMEND THE FY 2011 APPROPRIATIONS RESOLUTION

WHEREAS, it is the responsibility of the Fauquier County Board of Supervisors to approve and control the County's fiscal plan for FY 2011; and

WHEREAS, on March 30, 2010, the Board of Supervisors adopted the FY 2011 budget; and

WHEREAS, the adopted budget includes overall appropriations for the funds comprising the FY 2011 budget for the Fauquier County School Division; and

WHEREAS, on April 12, 2010, the School Board adopted a revised FY 2011 budget that incorporated the Board of Supervisors' adopted General Fund transfer and final estimates regarding outside funding; and

WHEREAS, staff identified in its subsequent review of the FY 2011 adopted budget a requirement to adjust the adopted budget for the School Operating Fund to properly account for implementation of the Asset Replacement Fund; and

WHEREAS, the necessary revisions will have no impact on local tax revenues or the General Fund transfer; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the FY 2011 Appropriations Resolution be, and is hereby amended; and, be it

RESOLVED FURTHER, That the following budgets totaling \$249,270,198 be, and are hereby, approved effective July 1, 2010, as set forth below.

FY 2011 ADOPTED BUDGET

FY 2011 Expenditures

GENERAL FUND

General Government

Board of Supervisors	\$255,785
Commissioner of the Revenue	\$1,215,289

County Administration	\$747,592
County Attorney	\$607,416
Finance	\$1,361,326
Human Resource Management	\$1,546,004
Independent Auditor	\$123,411
Information Technology	\$2,436,490
Geographic Information System	\$279,525
Management and Budget	\$395,955
Registrar	\$394,997
Treasurer	<u>\$984,747</u>
Subtotal	\$10,348,537

Judicial Administration

Adult Court Services	\$876,167
Circuit Court	\$131,156
Clerk of the Circuit Court	\$1,045,858
Commissioner of Accounts	\$2,400
Commonwealth's Attorney	\$907,363
General District Court	\$16,485
Juvenile & Domestic Relations Court	\$11,366
Magistrates	<u>\$87,773</u>
Subtotal	\$3,078,568

Public Safety

Juvenile Detention	\$305,173
Juvenile Probation	\$4,284
Fire and Emergency Services	\$2,911,898
Sheriff	<u>\$15,068,082</u>
Subtotal	\$18,289,437

Public Works

Environmental Services - Convenience Sites	\$2,696,873
General Services	<u>\$5,027,724</u>
Subtotal	\$7,724,597

Health and Welfare

Community Services Board	\$347,009
Public Health	\$490,063
Social Services	<u>\$8,521,999</u>
Subtotal	\$9,359,071

Culture

Library	\$1,922,097
Lord Fairfax Community College	\$41,770
Parks and Recreation	<u>\$3,248,014</u>
Subtotal	\$5,211,881

Community Development

Agriculture Development	\$37,980
Community Development	\$3,060,237
Contributions	\$346,132
Economic Development	\$415,200
Extension Office	\$126,982
John Marshall SWCD	\$137,118
Planning Commission/BZA/ARB	<u>\$148,207</u>
Subtotal	\$4,271,856

Non-Departmental

Non-Departmental	<u>\$1,530,393</u>
Subtotal	\$1,530,393

Transfers

Capital Improvements Fund	\$200,000
County Asset Replacement Fund	\$972,500
Affordable Housing Fund	\$205,432
Airport	\$16,000
School Division Operating	\$76,892,228
Debt Service Fund	\$13,566,891
Subtotal	\$91,853,051

Total General Fund	\$151,667,391
---------------------------	----------------------

OTHER FUNDS**Airport Enterprise Fund**

Airport	\$680,002
Subtotal	\$680,002

Affordable Housing Fund

Affordable Housing	\$205,432
Subtotal	\$205,432

Ambulance Billing

Ambulance Billing	\$1,220,000
Subtotal	\$1,220,000

Capital Improvements Fund

Capital Improvements	\$13,692,850
Subtotal	\$13,692,850

Conservation Easement Fund

Conservation Easement	\$667,314
Subtotal	\$667,314

County Asset Replacement Fund

County Asset Replacement	\$1,007,500
Subtotal	\$1,007,500

Debt Service Fund

Debt Service	\$13,566,891
Subtotal	\$13,566,891

Environmental Services Fund

Environmental Services	\$4,798,147
Subtotal	\$4,798,147

Internal Services Fund

Fleet Maintenance	\$3,302,006
-------------------	-------------

Subtotal	\$3,302,006
Regional Governor's School	
Regional Governor's School	\$844,611
Subtotal	\$844,611
School Food Service Fund	
School Food Service	\$4,721,604
Subtotal	\$4,721,604
School Asset Fund	
School Asset Fund	\$1,503,155
Subtotal	\$1,503,155
School Division Fund	
School Operating	\$117,895,245
Subtotal	\$117,895,245
School Textbook Fund	
School Textbook	\$394,928
Subtotal	\$394,928
Volunteer Fire and Rescue Fund	
Volunteer Fire and Rescue	\$4,631,173
Subtotal	\$4,631,173
Health Insurance	
Health Insurance	\$20,325,000
Subtotal	\$20,325,000
TOTAL ALL FUNDS	\$341,123,249
<i>Less County Transfer</i>	<i>(\$91,853,051)</i>
TOTAL COUNTY EXPENDITURES	\$249,270,198
FY 2011 Revenues	
LOCAL REVENUE	

General Property Taxes

Real Estate Tax	\$83,299,718
Public Service	\$5,182,570
Personal Property Tax	\$13,690,584
Rollback Taxes	\$75,000
Bethel Academy District	\$55,600
Delinquent Real Estate Tax	\$900,000
Delinquent Personal Property Tax	\$480,000
Delinquent Public Service	\$70,000
Penalties - Real Property - All	\$855,000
Interest - All	<u>\$415,000</u>
Subtotal	\$105,023,472

Other Local Taxes

Sales Tax (Local)	\$6,100,000
Utility Tax	\$1,400,000
Utility Consumption Tax	\$190,000
Communications Tax	\$3,222,765
BPOL Tax	\$1,505,000
Auto License Fees	\$1,730,000
Bank Stock Tax	\$100,000
Recording Tax & Fees (Deeds)	\$1,400,000
Recording Tax & Fees (Wills)	\$25,000
Transient Tax	<u>\$100,000</u>
Subtotal	\$15,772,765

Permits, Fees, and Licenses

Dog Tags	\$15,000
Land Use Fees	\$20,000
Transfer Fees	\$1,900
Concealed Weapon Permits	\$2,000
Community Development Fees	<u>\$1,117,835</u>
Subtotal	\$1,156,735

Fines and Forfeitures

Local Fines	\$480,000
-------------	-----------

Court Judgement Proceeds	\$3,000
Interest On Local Fines	<u>\$6,000</u>
Subtotal	\$489,000

Use of Money and Property

Interest Income General Fund	\$450,000
Sale of Equipment/Vehicles	\$30,000
Rental Of County Property	\$36,430
Rental Health Department	\$25,699
Rental of Armory	\$22,440
Rental Alice Jane Childs Building	<u>\$166,077</u>
Subtotal	\$730,646

Charges for Services

Excess Fees	\$100,000
Remote Access Clerk Fee	\$20,000
Sheriff Fees	\$3,742
Courtroom Security	\$160,000
Detention Fee	\$4,500
Law Library Fees	\$16,000
Local Cost	\$7,000
Inmate DNA	\$500
Inmate Processing Fee	\$7,000
Commonwealth's Attorney Fees	\$2,300
County Attorney Fees	\$25,000
Correction and Detention Charges	\$42,000
Fire Marshall Fees	\$40,000
Street Signs	\$1,700
Parks & Recreation	\$486,739
Library Fees	\$75,000
Sales of Tax Maps	\$165
Sales of GIS Maps	\$20,000
Sales of Computer Lists and Files	\$1,006
Subtotal	\$1,012,652

Miscellaneous	\$96,630
----------------------	-----------------

Recovered Costs

Canteen Medical Reimbursement	\$6,500
Home Incarceration Fees	\$12,000
Jail Boarding - Other Governments	\$500
Other Government Charges	\$10,500
Work Release	\$80,000
CSA Refunds	\$25,000
Subtotal	\$134,500

Total Local Revenue **\$124,416,400**

STATE REVENUE**Non-Categorical Aid**

Rolling Stock Tax	\$85,000
Mobile Home Titling Tax	\$57,119
Rental Car Tax	\$14,672
State Personal Property Tax Relief	\$13,659,496
E-911 Wireless Program	<u>\$98,000</u>
Subtotal	\$13,914,287

Categorical Aid**Shared Expenses**

Commonwealth's Attorney	\$467,848
Sheriff	\$3,574,551
Commissioner of the Revenue	\$178,505
Treasurer	\$156,489
Registrar	\$51,002
Clerk of the Court	\$476,378
Adult Confinement - Detention	<u>\$340,000</u>
Subtotal	\$5,244,773

Welfare

Social Services	\$1,200,129
Comprehensive Services Act	<u>\$1,700,000</u>
Subtotal	\$2,900,129

Other Categorical Aid

Recordation Tax	\$450,000
Library Aid	\$153,504
Commissioner of the Arts	\$5,000
Jury Duty Reimbursement	\$30,000
Adult Court Services - Pretrial	\$240,602
Comprehensive Community Corrections	\$253,240
VA Juvenile Community Crime Control	\$47,681
Armory	\$9,500
Miscellaneous	<u>\$15,000</u>
Subtotal	\$1,204,527

Possible State Reduction	<u>(\$360,000)</u>
--------------------------	--------------------

Total State Revenue	\$22,903,716
----------------------------	---------------------

FEDERAL REVENUE**Categorical Aid**

Welfare Administration	<u>\$2,347,322</u>
Subtotal	\$2,347,322

Total Federal Revenue	\$2,347,322
------------------------------	--------------------

Intergovernmental	\$585,453
--------------------------	------------------

Use of Fund Balance	\$1,414,500
----------------------------	--------------------

Total General Fund	\$151,667,391
---------------------------	----------------------

Other Funds

School Asset Replacement Fund	\$1,503,155
Regional Governor's School	\$844,611
School Division Fund	\$117,895,245
School Textbook Fund	\$394,928
School Cafeteria Fund	\$4,721,604
Internal Services - Fleet Maintenance	\$3,302,006

Conservation Easement Fund	\$667,314
Fire and Rescue Fund	\$4,631,173
Ambulance Billing	\$1,220,000
Affordable Housing Fund	\$205,432
County Asset Replacement Fund	\$1,007,500
Capital Improvements Fund	\$13,692,850
Debt Service Fund	\$13,566,891
Airport Enterprise Fund	\$680,002
Environmental Services	\$4,798,147
Health Insurance	\$20,325,000
Total Other Funds	\$189,455,858
 TOTAL ALL FUNDS	 \$341,123,249
<i>Less Local Support</i>	<i>(\$91,853,051)</i>
TOTAL COUNTY REVENUE	\$249,270,198

A Resolution to Approve the Mercer Family Request to Reduce the Ten-Year Sale Restriction for a Family Transfer Lot (WVRP10-MA-011) - Marshall District (PIN #6909-69-7474-000)

RESOLUTION

A RESOLUTION TO APPROVE THE MERCER FAMILY REQUEST TO REDUCE THE TEN-YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on August 2, 2004, the applicants, Eric Ambler and Tabatha Marie Mercer were recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3.A.3 of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants have encountered severe financial hardship; and

WHEREAS, Section 2-39.3.A.15 of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the requirement that Eric and Tabatha Mercer hold their family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

A Resolution to Approve the Adams Family Request to Reduce the Ten-Year Sale Restriction for a Family Transfer Lot (WVRP10-LE-010) - Lee District (PIN #6960-50-0324-000)

RESOLUTION

A RESOLUTION TO APPROVE THE ADAMS FAMILY REQUEST TO REDUCE THE
TEN-YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on July 23, 2001, the applicants, Scott D. and Kelly A. Adams were recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3.A.3 of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants have encountered severe financial hardship; and

WHEREAS, Section 2-39.3.A.15 of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the requirement that Scott and Kelly Adams hold their family transfer parcel for a period of ten (10) years be reduced so that the parcel may be transferred to a non-immediate family member.

A Resolution to Establish Human Resources Policy #57 Criminal Background Checks

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADOPTION OF
HUMAN RESOURCES POLICY – CRIMINAL BACKGROUND CHECKS

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources Policies; and

WHEREAS, the Fauquier County Government Human Resources Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, it is recommended to adopt the new Human Resources Policy 57, Criminal Background Checks, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, that the new Human Resources Policy 57, Criminal Background Checks, be, and is hereby, approved effective May 13, 2010.

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Criminal Background Checks
Section No: 57

Date: 05/13/2010
Supersedes Policy: NEW

I. PURPOSE

The purpose of this policy is to provide procedures that will be used for the administration and use of background and criminal records checks for the Department of Social Services.

II. SCOPE

This policy applies to all prospective and current permanent part time Department of Social Services employees and volunteers.

III. DEFINITIONS

- A. Social Services Full-Time Permanent Position: A full-time permanent position is defined as a position in which the incumbent works a full-time, 30, 37.5, 40 or 42 hour per week schedule for every seven calendar day period on a continuous basis. Full-time permanent positions have no time limitation with respect to the duration of job assignment. Full-time permanent employees are eligible to receive full fringe benefits.
- B. Social Services Part-Time Permanent Position: A part-time permanent position is defined as a position in which the incumbent works less than a 30 hour per week schedule on a part-time, continuous basis. Part-time permanent positions have no time limitation with respect to the duration of job assignment. Part-time permanent employees are eligible to receive pro-rated fringe benefits.
- C. Social Services Temporary Position: A temporary position is defined as a position in which the incumbent works for a maximum period not to exceed twelve (12) months. Temporary employees are not eligible to receive fringe benefits.

IV. PROCEDURES

A. Use of Background and Record Checks

1. Criminal Record

For each applicant and volunteer, the LDSS may request a state and national criminal record check prior to employment; the criminal background record check may be requested for all employees at any time during the course of employment.

- a. If the criminal record reveals a conviction for, or arrest waiting final disposition of the crimes set forth in § 63.2-1719 of the *Code of Virginia* (“barrier crimes”):
 - (1) A prospective employee or volunteer will not be offered an employment or a volunteer position with the LDSS; or
 - (2) A current employee or volunteer will be terminated from employment or volunteer position with the LDSS if there is a conviction; if there is an arrest waiting final disposition, the employee will be placed on leave without pay and the volunteer will be terminated. For current employees, an exception from termination may be made if the conviction is “old” and the employee has not shown any connection between work performance and the conviction.
- b. If the criminal record reveals a conviction for, or an arrest waiting final disposition, for a crime other than a “barrier crime” that is job related and may impact on the ability to perform the assigned duties:
 - (1) A prospective employee or volunteer may not be offered employment or a volunteer position with the LDSS if the crime is relevant (as to the criminal act, the date which such conviction occurred, the circumstances regarding the criminal conduct, etc.) to the performance of the particular job.
 - (2) An employee or volunteer may be terminated if the crime is relevant (as to the criminal act, the date which such conviction occurred, the circumstances regarding the criminal conduct, etc.) to the performance of the particular job.

2. Central Registry Record

- a. A record check through the Virginia Department of Social Services’ Central Registry will be conducted on each prospective and/or current employee or volunteer for founded complaints of abuse or neglect.
- b. If the record check reveals the presence of a founded complaint of abuse or neglect, the prospective employee or volunteer will not be offered a position with the LDSS.
- c. If the record check reveals a founded complaint of abuse or neglect for any current employee or volunteer, the current employee or volunteer will be terminated from their position with the LDSS.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to Chapter 17 of the Fauquier County Code

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 17 OF THE COUNTY CODE

WHEREAS, the Fauquier County Soils Scientist and Fauquier County Health Department have made recommendations with respect to proposed amendments to the Fauquier County Code; and

WHEREAS, the Board of Supervisors has reviewed the proposed amendments in a work session and recommended additional amendments related to the imposition of a bonding requirement for non-conventional septic systems; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and in the public interest to consider the proposed amendments to Chapter 17 of the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to Chapter 17 of the County Code.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning the Amendment of the Fauquier County Towing Ordinances, Fauquier County Code Chapter 13, Article V

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING THE AMENDMENT OF THE FAUQUIER COUNTY TOWING ORDINANCE, FAUQUIER COUNTY CODE CHAPTER 13, ARTICLE V

WHEREAS, *Code of Virginia* § 46.2-1217 authorizes the governing body of any county to regulate police towing services by ordinance; and

WHEREAS, on March 12, 2009, the Fauquier County Board of Supervisors adopted a towing ordinance and on April 9, 2009, the Fauquier County Board of Supervisors amended and readopted the towing ordinance; and

WHEREAS, it is in the best interest of the citizens of Fauquier County to amend the Fauquier County Towing Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the amendment of the towing ordinance.

A Resolution to Approve a Conservation Easement Over the Property of Chetwood Park Farm, LLC

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION
EASEMENT OVER THE PROPERTY OF CHETWOOD PARK FARM, LLC

WHEREAS, Chetwood Park Farm, LLC, has proposed to donate a conservation easement over its property described as PIN # 6988-42-6094 consisting of approximately 191.9556 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

FURTHER RESOLVED, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution to Initiate an Amendment to Section 201.3 of the Design Standards Manual Pertaining to Applicability of Stormwater Management Requirements

RESOLUTION

A RESOLUTION TO INITIATE AN AMENDMENT TO SECTION 201.3 OF THE DESIGN STANDARDS MANUAL PERTAINING TO APPLICABILITY OF STORMWATER MANAGEMENT REQUIREMENTS

WHEREAS, the County's Design Standards Manual requires stormwater management with the permanent conversion of 10,000 square feet or more land from natural conditions to impervious conditions; and

WHEREAS, since the adoption of the Stormwater Management Ordinance in 2002, an informal practice of exempting agricultural uses with less than one acre of impervious surface from stormwater management requirements has been in place; and

WHEREAS, the Board of Supervisors is interested in consistency and clarity in the application of regulations; and

WHEREAS, the proposed Ordinance will codify an existing practice and will provide clear direction to future applicants as to the requirement for stormwater management for agricultural use; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That an amendment to Section 201.3 of the Design Standards Manual pertaining to the applicability of stormwater management requirements is hereby initiated and should be scheduled for public hearing; and be it

RESOLVED FURTHER, That the following underlined text represents proposed changes for consideration:

SECTION 201 General Provisions

201.3. Applicability

This chapter shall be applicable to all subdivision, site plan, or land use conversion applications, unless eligible for an exception by the Board of Supervisors or its designee. This chapter also applies to land development activities that are smaller than the minimum applicable criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

To prevent the adverse impacts of stormwater runoff, the county has developed a set of performance standards that must be met at all development sites. These standards apply to any permanent land development or land use conversion activity that converts 10,000 square feet or more of land from grass, wooded or otherwise natural, to gravel or other impervious area (e.g. SWM/BMPs are not required for land development projects where the permanent conversion is less than 10,000 square feet).

Economic hardship is not sufficient reason to grant an exception from the requirements of this chapter.

The following activities are exempt from this chapter:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Virginia Stormwater Management Act;
2. Tilling, planting or harvesting of agricultural, horticultural, or forest crops;
3. Single-family residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures;
4. Land development projects that disturb less than 10,000 square feet of land area; and
5. Linear development projects, provided that (i) less than 10,000 square feet of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of the discharge point.

Further the following activities are exempt from Sections 203 and 204 of this chapter, unless otherwise required is Section 201.8 of this chapter.

1. Family transfers, administrative and large lot subdivisions;
2. Residential subdivisions in which all lots are greater than 3 acres or residential subdivisions with a total of 6 or fewer lots. If the Residue has an existing house, drainfield, etc. on it and no new construction is going to occur, then it does not count as a lot for this requirement; and
3. Agricultural uses (Category 18 in the Zoning Ordinance) that do not require a site plan and permanently convert less than one (1) acre of land to impervious area (e.g., gravel, pavement, building area, etc.); provided that necessary efforts shall be made to ensure that drainage from the site does not cause erosion or flooding problems on adjoining properties.

A Resolution Accepting the Proposed Agreement Between Fauquier County Soccer Club (FCSC) and Picnic Pavilion (Vendor) for Operation of Concession Stands at the Northern Fauquier Community Park

RESOLUTION

A RESOLUTION ACCEPTING THE PROPOSED AGREEMENT BETWEEN
FAUQUIER COUNTY SOCCER CLUB (FCSC) AND PICNIC PAVILION (VENDOR) FOR
OPERATION OF CONCESSION STANDS AT THE NORTHERN FAUQUIER
COMMUNITY PARK

WHEREAS, the Parks and Recreation Board has negotiated an agreement with the Fauquier County Soccer Club (FCSC) for the maintenance, supervision, and operation of specific facilities at the Northern Fauquier Community Park; and

WHEREAS, within that agreement FCSC has the exclusive right to provide (or arrange for the provision of) certain concession products or services in certain specified locations in the area known as the Northern Fauquier Community Park; and

WHEREAS, in order to provide high-quality and cost-efficient products and services, FCSC and Picnic Pavilion ("Vendor") desire to enter into an agreement wherein Vendor will provide certain products and services at The Northern Fauquier Community Park; and

WHEREAS, the Operation Agreement with FCSC requires all subcontracts to be approved by the Board of Supervisors; and

WHEREAS, the Parks and Recreation Board is now recommending to the Board of Supervisors for approval; now, therefore, be it

RESOLVED FINALLY, by the Fauquier County Board of Supervisors this 13th day of May 2010, That the County Administrator be, and is hereby, authorized to execute the agreement with the Fauquier County Soccer Club for the concession operations at the Northern Fauquier Community Park.

A Resolution to Authorize Changes to Human Resources Policy #10 Probationary Status

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADOPTION OF
HUMAN RESOURCES POLICY – PROBATIONARY STATUS

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources Policies; and

WHEREAS, the Fauquier County Government Human Resources Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, it is recommended to adopt the new Human Resources Policy 10, Probationary Status; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the new Human Resources Policy 10, Probationary Status be, and is hereby, approved effective May 13, 2010.

HUMAN RESOURCES POLICY

Fauquier County, Virginia

Policy Title: Probationary Status
Section No.: 10

Effective Date: 05/13/10
Supersedes Policy: 10/15/01

PURPOSE

It is the objective of the Board of Supervisors to establish guidelines for employees to serve a probationary period in order that the employee and employer may determine job fit and suitability.

SCOPE

This policy applies to all permanent full-time and permanent part-time employees.

DEFINITIONS

Probationary Period

The probationary period is defined as the period of employment that allows the employee and employer to determine if the employee is suited for the job. This definition applies to the probationary periods of new hires and employees who have been promoted, demoted, or transferred into new positions.

PROCEDURES

A. Duration Of Probationary Period

1. A public safety employee, to include an employee in the Sheriff's Office, Joint Dispatch, or Emergency Services, shall serve a probationary period of at least twelve (12) months.
2. An employee of the Office of the Commonwealth's Attorney, Department of Social Services, Department of Human Resources and/or the Department of Parks and Recreation shall serve a probationary period of at least twelve (12) months.
3. All other general government employees shall serve a probationary period of at least six (6) months.

B. Extension Of Probationary Period

1. An employee's probationary period may be extended for an additional six (6) months from the end of the initial probationary period, as deemed appropriate by the employee's supervisor.

Such an extension would represent a total of eighteen (18) months of probation for public safety employees, employees of the Office of the Commonwealth's Attorney, Department of Human Resources and employees of the Department of Parks and Recreation.

Such an extension would represent twelve (12) months of probation for other general government employees.

2. A probationary period extension beyond that indicated in section IV.,B., above must be approved by the County Administrator.
3. A supervisor shall inform the Human Resources Department, via the completion of a PAN Form, of the extension of an employee's probationary period.
4. A supervisor shall also inform the employee of the extension of the probationary period.

C. Probationary Period Stipulations

1. During the probationary period, an employee may be terminated at the will of the Department Head/Constitutional Officer.
2. A probationary employee does not have access to the general government grievance procedure.
3. An employee's probationary status does not affect his/her years of service credit.

D. Completion Of Probationary Period

1. The Human Resources Department shall inform Department Heads/Constitutional Officers of the names of employees who are nearing the end of their probationary periods. Such notification shall be forwarded to Department Heads/Constitutional Officers at least thirty (30) days prior to the end of an employee's probationary date.
2. If a probationary employee works beyond the end of the probationary period without
 - a. supervisory notification of satisfactory completion or
 - b. supervisory notification that the probationary period has been extended

the employee shall be regarded as having successfully completed the probationary period.

3. An employee shall achieve full employment status on the day that the probationary period is completed.

E. Applying For County Positions While On Probation

A probationary employee may apply for job positions within the County while in a probationary status.

F. Probationary Period of Promoted, Demoted Or Transferred Employees

At the discretion of the hiring supervisor, an employee who is promoted, demoted or transferred to a new position shall

1. serve a probationary period of at least six (6) months in the new position, or
2. have the time served in his/her former probationary position counted towards the probationary period of the new position.

A Resolution to Establish Human Resources Policy #56 Workplace Violence Prevention

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADOPTION OF
HUMAN RESOURCES POLICY – WORKPLACE VIOLENCE PREVENTION POLICY

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources Policies; and

WHEREAS, the Fauquier County Government Human Resources Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, it is recommended to adopt the new Human Resources Policy 56, Workplace Violence Prevention; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the new Human Resources Policy 56, Workplace Violence Prevention, be, and is hereby, approved effective May 13, 2010.

HUMAN RESOURCES POLICY

Fauquier County, Virginia

Policy Title: Workplace Violence Prevention Policy
Section No.: 56

Date: May 13, 2010
Supersedes Policy: NEW

I. PURPOSE

The Fauquier County Government recognizes that violence in the workplace affects work performance. The purpose of the policy is to reduce the possibility of death or injury as a result of workplace violence and to foster a work environment of respect and healthy conflict resolution. Nothing is more important to the county than the safety and security of its employees.

II. SCOPE

This policy applies to all Fauquier County Government employees.

III. DEFINITIONS

A. Threat: A verbal or written expression of intention to inflict punishment, loss, pain, injury, or damage to the person or rights of another.

a. Types of Threats

1. *Direct Threats*: Directed at a person stating a direct detrimental action
2. *Conditional Threats*: The threat directed at a person is contingent upon the action that person takes or a circumstance that may or may not occur
3. *Veiled Threats*: The threat is vague and may not seem like a threat at the time of the act or verbal confrontation

B. Workplace Violence: Violent acts, including physical assaults and threats of assault, directed towards persons at work or on duty; an action (verbal, written, or physical aggression) that is intended to cause, or is capable of causing, death or serious bodily injury or emotional distress to oneself or others or damage to property.

a. Types of Workplace Violence

1. *Type I*: Perpetrator has no legitimate relationship to the County or its employees
2. *Type II*: Directed at employees by citizens doing business with a County office, customers, clients, or vendors

3. *Type III:* Violence against co-workers, supervisors, or managers by a present or former employee
4. *Type IV:* Committed by someone who doesn't work for Fauquier County, but has a personal relationship with an employee

IV. **POLICY**

A. Fauquier County has zero tolerance for workplace violence of any kind. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on County property or at any other location during the performance of official County business or duties will not be tolerated. Any violation of this policy could result in disciplinary action up to and including termination for a first offense.

B. Organizational Responsibility

1. Fauquier County takes workplace violence seriously and will promptly investigate and act on reports of acts or threats of violence.
2. Employees who report valid incidents of workplace violence will not be subject to reprisals of retaliation.
3. Fauquier County will maintain a Workplace Violence Reporting System and departments will be assisted in evaluating and/or investigating incidents of workplace violence.
4. No existing County policy, practice, or procedure should be interpreted to prohibit decisions that prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

C. Departmental Responsibility

1. Each Fauquier County Department shall work with Risk Management to complete a site assessment and take appropriate action, to the extent possible, to correct any physical problems that may create potential safety hazards.

D. Managerial Responsibilities

1. Managers and supervisors shall work in partnership with employees to maintain a safe working environment.
2. Managers and supervisors must intervene when they see behavior or actions in conflict with this policy. Where there is imminent danger, managers and supervisors shall immediately notify the police.

3. Managers and supervisors shall work with Risk Management to evaluate and investigate as needed if an incident of workplace violence is reported, is suspected of occurring, or has actually occurred.
4. Managers and supervisors shall follow up with employees to ensure that safety practices are consistently followed.

E. Employee Responsibility

1. Employees are expected to treat others with respect. Employees shall demonstrate conduct that reflects credit upon themselves, their co-workers, and Fauquier County.
2. In the incidence of a threat or commission of a crime, employees shall immediately call the police.
3. Employees are expected to promptly report threats or incidents of workplace violence to their supervisor or Risk Management.
4. When there is imminent danger to persons or property, employees may take reasonable action to safeguard persons or property if they determine in their sole discretion that they can do so without putting themselves in danger.
5. All employees who apply for or obtain a protective or restraining order against another person which lists County locations as being protected areas, must provide a copy of the order to their department head.

F. Prohibited Behaviors

Fauquier County asserts that any acts of violence are not acceptable. Employees who engage in violent acts on County property shall be removed from the premises as quickly as safety permits, and shall remain off the premises pending the outcome of an investigation.

Such acts include, but are not limited to:

1. Verbally or physically threatening, intimidating, coercing, harassing, or assaulting an employee, visitor, or citizen.
2. Using, threatening to use, or displaying a weapon of any kind, or any other object that may be used for the purpose of injury or intimidation, unless required by official job duties (such as law enforcement).
3. Acts that damage, or attempting to damage, Fauquier County property or the property of an employee, visitor, customer, or citizen.

G. Prevention

1. Managers, supervisors and co-workers shall remain alert and sensitive to behaviors of others that may lead to workplace violence.

H. Identifying & Reporting

1. It is important to maintain a record and a system of reporting of instances where customers exhibit aggressive or more than disagreeable behaviors. It is also important to record and report instances of threatening or suspicious behavior of co-workers. When these aggressive actions (whether verbal or physical) are directed at a Fauquier County employee, immediate action to record and report the situation shall be taken. It is the responsibility of the employee experiencing the threat (direct, conditional or veiled) to complete the Workplace Violence Reporting Form.
2. Employees shall submit the completed form to their supervisor who will then submit the report to the Benefits & Risk Manager for review and record. The employee shall know that the form will be kept confidential and will be used for *tracking and prevention* purposes only. When a co-worker is involved in making a threat or assault, the Department Supervisor will work to take appropriate action based on research. The Benefits & Risk Manager shall keep a threat and assault log for tracking purposes.

WORKPLACE VIOLENCE REPORT

Instructions: All threats of violence or suspicious acts should be reported in a timely manner. Please provide as much information as possible. The completed form can be faxed to Risk Management at 540.349.3205

SECTION I: EMPLOYEE INFORMATION

Employee Name: _____
Department: _____

SECTION II: INCIDENT INFORMATION

Name of person making threat (if known): _____

Relationship of the person making threat to employee: _____

Date of Incident: _____ Time of Incident: _____

Describe the Incident:

Was there a weapon involved? ☐ Yes ☐ No
Are there any injuries? ☐ Yes ☐ No

SECTION III: WITNESS INFORMATION

Witness 1

Name: _____

Address: _____

Phone #: _____

Witness 2

Name: _____

Address: _____

Phone #: _____

EMPLOYEE SIGNATURE: _____ **DATE:** _____

SUPERVISOR SIGNATURE: _____ **DATE:** _____

A Resolution to Submit an Application to Participate in the Virginia Department of Transportation (VDOT) FY 2011 Revenue Sharing Program for the Construction of the Brookside Parkway Extension

RESOLUTION

A RESOLUTION TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FY 2011 REVENUE SHARING PROGRAM FOR THE CONSTRUCTION OF THE BROOKSIDE PARKWAY EXTENSION

WHEREAS, the Fauquier County Board of Supervisors desires to submit an application for an allocation of funds up to \$890,500 through the Virginia Department of Transportation Fiscal Year 2010-2011 Revenue Sharing program; and

WHEREAS, \$890,500 of these funds are requested to fund the construction of Brookside Parkway extension from the Vint Hill Economic Development Authority property line with Brookside Communities, LLC, to the connection with Kennedy Road (Route 652) subject to the approved construction plan (CPRV09-SC-005); now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13th day of May 2010, That the Board supports this application for an allocation of \$890,500 through the Virginia Department of Transportation Revenue Sharing Program for assisting in the County's completion of this \$1,781,000 project; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Ordinance Amending Section 8-5 of the Code of Fauquier County to Permit Year Round Qualification for Tax Relief for the Elderly and Disabled Where Such Qualification is as a Result of the Death of a Spouse

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING SECTION 8-5 OF THE CODE OF FAUQUIER COUNTY TO PERMIT YEAR ROUND QUALIFICATION FOR TAX RELIEF FOR THE ELDERLY AND DISABLED WHERE SUCH QUALIFICATION IS AS A RESULT OF THE DEATH OF A SPOUSE

WHEREAS, Section 8-5 of the Code of Fauquier County permits qualifying elderly and disabled individuals and couples to qualify for relief from taxation; and

WHEREAS, under the current tax relief for the elderly and disabled program, individuals who qualify for the program as a result of the death of a spouse but after the filing date must wait until the following tax year to be admitted to the program; and

WHEREAS, the Board of Supervisors desires to consider an amendment to the Code of Fauquier County to permit individuals who become eligible for the program as a result of the death of a spouse to enter into the program year round; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed ordinance amending Section 8-5 of the Code of Fauquier County to permit year round qualification for tax relief for the elderly and disabled where such qualification is as a result of the death of a spouse.

A Resolution Establishing and Charging a Task Force to Draft a Generic Code of Development

RESOLUTION

A RESOLUTION ESTABLISHING AND CHARGING A TASK FORCE TO DRAFT A
GENERIC CODE OF DEVELOPMENT

WHEREAS, the Board of Supervisors wishes to consider the creation of a Generic Code of Development to help guide both applicants and the Board and its staff in the creation of quality developments in the Mixed Use and /or PRD zoning categories; and

WHEREAS, the Board of Supervisors wishes to establish a task force comprised of members of the Fauquier County community to create a draft Code of Development for consideration by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That a Code of Development Task Force be, and is hereby, established; and, be it

RESOLVED FURTHER, That the Code of Development Task Force shall be charged with drafting for consideration by the Board of Supervisors a generic Code of Development to help guide both applicants and the Board and its staff in the creation of quality developments in the Mixed Use and /or PRD zoning categories; and, be it

RESOLVED FURTHER, That the Code of Development Task Force shall report out to the Board of Supervisors a draft Code of Development not more than sixty days from the date of this resolution; and, be it

RESOLVED FINALLY, That the Code of Development Task Force shall consist of the following individuals:

- Susan Eddy
- Kim Johnson
- Todd Benson
- Jeff Renzulli
- Jim Carson
- Yak Lubowsky

A Resolution to Advise the Fauquier County Zoning Administrator on the Interpretation of the Aspen Dale Farm Conservation Easement

RESOLUTION

A RESOLUTION TO ADVISE THE FAUQUIER COUNTY ZONING ADMINISTRATOR
ON THE INTERPRETATION OF THE ASPEN DALE FARM CONSERVATION
EASEMENT

WHEREAS, Jackie Shay McNeal and Claude R. Poulin, owners of Aspen Dale Farm, donated a perpetual conservation easement pursuant to the Open Space Land Act (*Code of Virginia* § 10.1-1700 *et seq.*) to the Board of Supervisors of Fauquier County; and

WHEREAS, that easement which is recorded in Land Book 1284 at Page 864 of the Fauquier County Land Records states that “Communication facilities permitted under the Communications Easement Agreement recorded among the land records of Fauquier County, Virginia in Deed Book 1193, at Page 2233 and in Deed Book 1279, at Page 2357” are permitted activities on the eased parcel; and

WHEREAS, the aforesaid Communications Easement Agreement states that the easement holder is entitled to “a permanent exclusive easement across, upon, over, through and under the Premises for the location, construction, installation, repair, maintenance, replacement and operation of communications facilities by Buyer, its successors, assigns, lessees and licensees . . . “; and

WHEREAS, interpretation by the Board of Supervisors of its conservation easement is necessary so that the Fauquier County Zoning Administrator can review an application to amend the approved site plan for the easement holder to add a new wood monopole tower of less than eighty feet within the area of the Communications Easement; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That the Board of Supervisors does hereby state that the addition of the proposed wood monopole telecommunication tower to the existing tower compound on the property does not conflict with the provisions of the recorded Aspen Dale Farm Conservation Easement.

A Resolution Authorizing the County Administrator or His Designee to Purchase Land

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE
TO PURCHASE LAND

WHEREAS, the Board of Supervisors discussed the purchase of land in closed session; and

WHEREAS, the Board of Supervisors is desirous of purchasing the land as identified and for the amount stated in the County Attorney’s Confidential Memorandum of May 13, 2010; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisor this 13th day of May 2010, That the County Administrator or his designee be, and is hereby, authorized to purchase the land as identified and for the amount stated in the County Attorney's Confidential Memorandum of May 13, 2010; and, be it

RESOLVED FURTHER, That the purchase amount shall be drawn on the County's Capital Reserve.

A RESOLUTION TO ADOPT A PLAN FOR PUBLIC FACILITIES AS A GUIDING ELEMENT OF THE CAPITAL IMPROVEMENTS PROGRAM

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO ADOPT A PLAN FOR PUBLIC FACILITIES AS A GUIDING ELEMENT OF THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the Facilities Planning Subcommittee, having been appointed by the Fauquier County Planning Commission, worked with Community Development staff and other County Departments on the preparation of a plan for public facilities; and

WHEREAS, during the course of its work, the Facilities Planning Subcommittee worked with the service delivery departments of the County in understanding existing facilities, facility needs and levels of service, in developing standards for future facility location, and in prioritizing current facility needs; and

WHEREAS, the Planning Commission reviewed and accepted the document, and adopted a resolution at its March 25, 2010 meeting endorsing the plan to the Board of Supervisors as a guiding document for the Capital Improvements Program, specifically emphasizing the overall principles outlined in the Plan; and

WHEREAS, the Board of Supervisors reviewed and discussed the plan at their May 13, 2010 meeting; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of May 2010, That it adopts "*A Plan for Public Facilities*" as a guiding document for use in the preparation and adoption of the financial component of the Capital Improvements Program, with periodic updates to ensure that it continues to serve as a guidance document as the County's needs and priorities evolve and change over time; and, be it

RESOLVED FURTHER, That the Board endorses the overarching principle that the location and integration of public facilities within the County's service districts contributes to the overall economic health of the County and sustainability of the service districts as communities, and acknowledges the importance of leading by example in reducing environmental impacts and increasing energy efficiency in the development of new County facilities.

A RESOLUTION TO ADOPT CPAM10-MA-001 A COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN FOR THE REINTRODUCTION OF THE ROUTE 211 - ROUTE 17 CONNECTOR CORRIDOR RESERVATION

Mr. Nyhous moved to postpone consideration of a proposed Comprehensive Plan Amendment to the Warrenton Service District Plan for the Reintroduction of the Route 211 - Route 17 Connector Corridor Reservation for at least thirty (30) days. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Transportation Committee – Cedar Run District: Joel Barkman was appointed to fill an unexpired term which ends December 31, 2011.
- Library Board – Cedar Run District: Patricia White was appointed to fill an unexpired term which ends June 30, 2013.

SUPERVISORS' TIME

- Mr. Stribling expressed his appreciation to the citizens of Fauquier County for supporting the County and being involved in the community. Mr. Stribling encouraged citizens to consider seeing the Monroe Park goldmine museum and lauded Mr. Bob Sinclair for his hard work with the Fauquier County Parks & Recreation Board and the Friends of Monroe Park to make it such a great recreational area. Mr. Stribling announced there will be several functions taking place this weekend throughout the county, including a Bluegrass Gospel concert with food and music on Saturday May 15, 2010, and he urged citizens to enjoy the various activities.

- Mr. Schwartz reported that he and the Chairman attended the dedication of the new computer clubhouse at the Boys & Girls Club facility in Warrenton and stated it was a wonderful event and opportunity to see a facility that provides a complete computer lab for children in the community that need a place to come after school. Mr. Schwartz added that the Equal Footing Foundation is the sponsor of this computer facility and did a great job of putting it together, and he is hopeful that in time there will be other computer clubhouses available in the County.
- Mr. Trumbo stated he was honored to participate in the 60th anniversary celebration of The Plains Volunteer Fire and Rescue Company, and that it was a special event with many veteran firefighters that have been there since the inception of the organization. Mr. Trumbo announced he and his family also attended the Mother's Day brunch hosted by the New Baltimore fire house and had a great time, however, he was concerned that the number of participants was low, and added that it is very meaningful to the fire companies to have folks come out and support those events. Mr. Trumbo remarked that the Northern Community Park is a gorgeous place to visit with many citizens using the facility, and he encouraged people to come to see the new park.
- Mr. Graham announced that the Susan G. Koman Walk for the Cure will be held during the first weekend of June and he encouraged citizens to support this fundraising event for breast cancer research. Mr. Graham stated that on Saturday, May 15, 2010, the Warrenton Fauquier Airport will host the Airport International Learn to Fly event from 10:00 AM until 4:00 PM and it would be a good opportunity for citizens to learn to fly aircraft. Mr. Graham commented that Smith-Midland Corporation will be holding an open house to celebrate the company's 50th anniversary, and that everyone is invited to enjoy some barbecue and tours of the facility.
- Mr. Nyhous announced that this weekend the Fauquier Chamber of Commerce is sponsoring the annual Old Town Warrenton Spring Festival that will have over 250 craft vendors from as far away as New Hampshire. He added that more information on the event is available by calling (540) 347-4414.
- Mr. Graham added that earlier in the evening the Board of Supervisors had a wonderful dinner and presentation hosted by the Fauquier County Virginia Cooperative Extension Office. He offered the Extension Office special thanks for a great job and for performing such a valuable service in the community.

ANNOUNCEMENTS

- Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on June 10, 2010, at the Warren Green Building located at 10 Hotel Street in Warrenton, Virginia.

A RESOLUTION TO ADOPT THE FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM

A public hearing was held to consider a resolution to adopt the Fiscal Year 2011-2016 Capital Improvement Program. Ari Sky, Director for the Office of Budget and Management, summarized the program. Kitty Smith, Marshall District, spoke in support of funding the Library, however, expressed concern regarding the four utility projects and urged the Board of Supervisors to postpone a decision. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT THE FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the Board of Supervisors has established an objective to adopt a Capital Improvement Program (CIP) each year; and

WHEREAS, on February 25, 2010, the County Administrator submitted the proposed FY 2011-2016 CIP to the Planning Commission; and

WHEREAS, the Planning Commission and its Facilities Planning Subcommittee conducted a total of three work sessions and held a public hearing on the proposed CIP; and

WHEREAS, the Planning Commission recommended unanimously that the Board of Supervisors approve the proposed CIP with a series of amendments; and

WHEREAS, the Board of Supervisors conducted a work session and held a public hearing on the proposed CIP; and

WHEREAS, the Board of Supervisors has determined that the substantial financial implications of the capital improvement program warrant a more extensive review process in future years; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13th day of May 2010, That the FY 2011-2016 Capital Improvement Program as amended by the Planning Commission and the Board of Supervisors be, and is hereby, adopted; and, be it

RESOLVED FURTHER, That the Board of Supervisors directs staff to develop a consideration process whereby the Planning Commission will provide its recommendations regarding future capital improvement programs to the Board of Supervisors prior to March 1, 2010; and, be it

RESOLVED FURTHER, That the Board of Supervisors directs the Facilities Planning and Implementation Committee to provide its recommendations regarding future capital improvement programs to the Board of Supervisors prior to its adoption of the FY 2012 budget; and, be it

RESOLVED FINALLY, That projects which have been included in the Capital Improvement Program may be funded in future years at the discretion of the Board of Supervisors using a combination of County funds, proffers or funding from third parties.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318 AND 15-300 TO ALLOW SMALLER SCALE AQUACULTURE BY-RIGHT IN THE RURAL AGRICULTURAL DISTRICT AND TO DEFINE AQUACULTURE AND AQUAPONICS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 3-318 and 15-300 that would allow wholesale aquaculture operations, including aquaponics, up to 10,000 square feet to be by-right, consistent with the greenhouse provisions. The amendment also adds definitions for Aquaculture and Aquaponics. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Ordinance. Mr. Trumbo seconded, and following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318 AND 15-300 TO ALLOW SMALLER SCALE AQUACULTURE BY-RIGHT IN THE RURAL AGRICULTURAL DISTRICT AND TO DEFINE AQUACULTURE AND AQUAPONICS

WHEREAS, the Fauquier County Zoning Ordinance establishes regulations related to aquaculture uses; and

WHEREAS, Fauquier County seeks to provide additional flexibility to allow small aquaculture operations, including aquaponics; and

WHEREAS, on February 18, 2010, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, on March 25, 2010, the Planning Commission held a public hearing and unanimously recommended approval of the proposed amendment; and

WHEREAS, on May 13, 2010, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the amendments to Sections 3-318 and 5-1300 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of May 2010, That Sections 3-318 and 5-1300 be, and are hereby, amended as follows:

See Page III-5 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C- 1	C- 2	C- 3	CV	I-1	I-2
3-318 AGRICULTURE (CATEGORY 18)																		
16 a. <u>Aquaculture occupying < 10,000 sq. ft. of land area, closed system only; wholesale only</u>			P															SE
16 b. <u>Aquaculture, 10,000 sq. ft. or more of land area, or with non-closed system, or with retail sales</u>			SE															

15-300

DEFINITIONS

AQUACULTURE: The growing and harvesting of plant or animal organisms in a natural or artificial aquatic situation, to include AQUAPONICS.

AQUACULTURE shall be considered a CLOSED SYSTEM when it does not connect to or discharge to the natural environment.

AQUAPONICS: the symbiotic cultivation of plants and aquatic animals in a recirculating environment.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-309 AND 15-300 TO REQUIRE SPECIAL EXCEPTION APPROVAL FOR A RECREATIONAL FIRING RANGE, SKEET OR TRAP SHOOTING FACILITIES (INDOOR OR OUTDOOR) IN THE RC, RA, C-2 AND I-1 DISTRICTS; AND TO AMEND THE DEFINITION OF TECHNICAL SCHOOL TO ALLOW INCIDENTAL TECHNICAL TRAINING AND/OR INSTRUCTION AS AN ACCESSORY USE FOR OTHER CATEGORY USES

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 3-309 and 15-300 to change the approval process for a recreational firing range, skeet or trap shooting facility from a special permit to a special exception. The change is proposed given the potentially far reaching land use impacts that such facilities have in the area where they may be located. In addition, this text amendment proposes to allow some level of incidental training activity and/or instruction as part of the approval of other land uses. Therefore, the amendment seeks to establish as a permitted accessory use, an incidental level of training and instruction that may be approved as part of another primary land use. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Trumbo seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-309 AND 15-300 TO REQUIRE SPECIAL EXCEPTION APPROVAL FOR A RECREATIONAL FIRING RANGE, SKEET OR TRAP SHOOTING FACILITIES (INDOOR OR OUTDOOR) IN THE RC, RA, C-2 AND I-1 DISTRICTS; AND TO AMEND THE DEFINITION OF TECHNICAL SCHOOL TO ALLOW INCIDENTAL TECHNICAL TRAINING AND/OR INSTRUCTION AS AN ACCESSORY USE FOR OTHER USE CATEGORIES

WHEREAS, it is appropriate to amend the Zoning Ordinance to better regulate firing ranges, skeet, or trap shooting facilities, indoor or outdoor; and

WHEREAS, it is appropriate to amend the Zoning Ordinance to allow an incidental amount of technical training and/or instruction as an accessory use for other uses; and

WHEREAS, on April 8, 2010, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, on April 29, 2010, the Planning Commission held a public hearing and unanimously recommended approval of the proposed amendment; and

WHEREAS, on May 13, 2010, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 3-309 and 15-300 of the Fauquier County Zoning Ordinance support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of May 2010, That Sections 3-309 and 5-1300 be, and are hereby, amended as follows:

See Page III-5 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C- 1	C-2	C- 3	CV	I-1	I-2
3-309 OUTDOOR RECREATION (CATEGORY 9)																		
3. Firing Range, skeet or trapshooting facility (indoor or out <u>door</u>)	X	SP <u>SE</u>	SP <u>SE</u>											SP <u>SE</u>			SP <u>SE</u>	
17. Golf practice facility	X		SP															

DEFINITIONS

SCHOOL, TECHNICAL: ~~A school primarily developed to~~ Any use in which the primary activity of such is devoted to giving instruction or technical training in vocational, professional, musical, dramatic, artistic, dancing, ~~nursing, secretarial,~~ linguistic, scientific, religious, recreational, or other specialized subjects but not including instruction and/or technical training that is clearly incidental and/or accessory to a permitted primary use.

With no further business, the meeting was adjourned at 8:15 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 13, 2010.

Paul S. McCulla

Clerk to the Board of Supervisors